UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/195,105	FRANCISCO ET AL.
	Examiner	**Art Unit**	
	AKIBA ROBINSON BOYCE	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 May 2011*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14 and 16-33* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-14 and 16-33* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   Due to communications filed 5/23/11, the following is a non-final office action. No claims have been amended. Claim 15 is cancelled. Claims 1-14, and 16-33 are pending in this application and are rejected as follows. The previous rejection has been withdrawn and claims 1-14 and 16-33 are now rejected as follows.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163

USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)

may be used to overcome an actual or provisional rejection based on a nonstatutory

double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of

activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a

terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with

37 CFR 3.73(b).

Claims 1-33 are rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6078899, and

claims 1-17 of U.S. Patent No. 5799283. Although the conflicting claims are not

identical, they are not patentably distinct from each other because, like the patents

listed above, the present invention discloses:

-A tax register to process data for consumer sales

-Computing use tax data for the transaction to be forwarded to a government

agency

-A communication link permitting the connection to the government agency

-Automatic transmission of tax data to the government agency.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

4.   Claims 1-5, 7-11, 13,14 and 16-20, 22-26, 28-33, are rejected under 35

U.S.C. 103(a) as being unpatentable over Bernard et al (US 5918213), and further in

view of Ginter et al (US 6640304)

As per claim 1, Bernard et al discloses:

at least one tax register located at a location of a merchant or retailer, said

at least one tax register adapted to process data for a consumer sales

transaction at the merchant or retailer location, and compute use tax data for the

transaction to be indicated to an appropriate government agency based upon a location

where purchased goods are to be shipped, (col. 31, lines 2-29, Interactive transaction

database 112 also maintains tax calculation information. The tax calculation information

allows the appropriate sales tax to be computed for each sale of a title. An on-line sales

tax server calculates sales tax for any location in the United States. Sales tax rates vary

across the United States, as do the way sales tax is calculated and the types of items

that are taxed. Sales tax typically is based on the ship-from and ship-to locations. The

ship-from location is the place from which an order is shipped, for example, the location

of a fulfillment vendor 436. The ship-to location is the location to which the order is

shipped, such as the customer's shipping address. Sales tax typically uses the ship-to

location for determining the tax rate. In some instances, the ship-from location is also

used. Information pertaining to both the ship-from and ship-to location, as well as the

tax rates, are included in the tax calculation information. Additionally, it is important to

note that some jurisdictions charge sales tax on shipping and handling charges, while

others do not. Therefore, this information is also included in tax calculation

information.);, Tax calculation information also includes a tax register record. The tax

register record contains all information needed to report sales tax charges for payments

to the various states. A tax register record is returned from each call to the tax function.

Because sales tax is only paid to the states after a product is shipped, tax calculation

information may have to refer to completed order information provided by fulfillment

vendor 436);

wherein said transaction data includes at least an amount of money received by

the merchant or retailer from the consumer for the purchased goods, (Col. 45, lines 29-

37, "In a step 3212, interactive transaction database 112 determines price and delivery

information for the items in the caller's shopping cart. In one embodiment, interactive

transaction database 112 calculates shipping and handling costs and also calculates a

tax for the items purchased and returns this information to VRU 104);

Bernard et al does not specifically disclose:

said at least one tax register forwarding said transaction data and said use tax data to at

least one of the government agency and a credit card processing company for

processing, , however, in Col. 31, lines 23-35, does disclose "The tax register record

contains all information needed to report sales tax charges for payments to the various

states"

However, Ginter discloses in col. 241, lines 38-51 that "A VDE electronic appliance 600

may, with great security, record financial transactions, identify the nature of the

transaction, and identify the required sales or related government transaction taxes,

debit the taxes from the users available credit, and securely communicate this

information to one or more government agencies directly at some interval (for example

monthly), and/or securely transfer this information to, for example, a financial

clearinghouse, which would then transfer one or more secure, encrypted (or unsecure,

calculated by clearinghouse, or otherwise computed) information audit packets (e.g.,

VDE content containers and employing secure VDE communication techniques) to the

one or more appropriate, participating government agencies);

It therefore would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to disclose said at least one tax register forwarding said

transaction data and said use tax data to at least one of the government agency and a

credit card processing company for processing with the motivation of forwarding

information necessary for the agency to process tax data.

Bernard et al does not specifically disclose:

And a communication link permitting the connection over a network of at least

one of (i) said at least one tax register at the merchant or retailer location and (ii)

the credit card processing company, to a computer system including at least a

computer and a corresponding memory disposed at the government agency, the

computer and the memory adapted to receive, process and store said

transaction data and said use tax data forwarded from one of the credit card

processing company and the merchant or retailer location, said communication

link for permitting said at least one tax register or the credit card processing

company to forward said transaction data and said use tax data to the computer

and the memory so that said transaction data and said use tax data from the

merchant or retailer is automatically forwarded to the government agency and

stored in the memory in order to help enforce tax laws and prevent at least one

of the consumer and the merchant or retailer from avoiding payment of a use tax.

However, Ginter, in col. 241, line 36-col 242, line 2, discloses that "The portable

appliance 2600 or other VDE electronic appliance 600, can, in one embodiment, also

automate many tax collection functions. A VDE electronic appliance 600 may, with great

security, record financial transactions, identify the nature of the transaction, and identify

the required sales or related government transaction taxes, debit the taxes from the

users available credit, and securely communicate this information to one or more

government agencies directly at some interval (for example monthly), and/or securely

transfer this information to, for example, a financial clearinghouse, which would then

transfer one or more secure, encrypted (or unsecure, calculated by clearinghouse, or

otherwise computed) information audit packets (e.g., VDE content containers and

employing secure VDE communication techniques) to the one or more appropriate,

participating government agencies. The overall integrity and security of VDE 100 could

ensure, in a coherent and centralized manner, that electronic reporting of tax related

information (derived from one or more electronic commerce activities) would be valid

and comprehensive. It could also act as a validating source of information on the

transfer of sales tax collection (e.g., if, for example, said funds are transferred directly to

the government by a commercial operation and/or transferred in a manner such that

reported tax related information cannot be tampered with by other parties in a VDE

pathway of tax information handling). *A government agency could select transactions*

randomly, or some subset or all of the reported transactions for a given commercial

operation can be selected. This could be used to ensure that the commercial operation

is actually paying to the government all appropriate collected funds required for taxes,

and can also ensure that end-users are charged appropriate taxes for their transactions

(including receipt of interest from bank accounts, investments, gifts, etc.," where the use

of secure VDE communication techniques to forward the government suggests the

communication link of the present invention, where selection of transactions by the

government agency suggests the receipt, processing and storage of said transaction

data and said use tax data forwarded from one of the credit card processing company

and the merchant or retailer location of the present invention).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's

invention to disclose the above limitation with the motivation of providing direct

transmission of taxes to the government without any possibility of third-party

interference.

As per claim 2, Bernard et al discloses:

wherein said at least one tax register is adapted to process data for the consumer sales

transaction where the consumer purchases the goods with one of a credit card, a debit

card, and any form of electronic payment, (col. 3, line 62-col. 4, line 2, To facilitate

automated order processing, a customer can become a "member" of the system and

have a membership profile on file containing important customer information. This

membership information can include data such as the customer's name and shipping

address, customer preferences, and customer payment information such as credit card,

debit card or other payment information).

As per claim 3, Bernard et al discloses:

wherein said first communication link is one of a digital packet switched network and a

satellite network, (col 53, line 65-col 54, line 2, Depending on the arrangement between

retail store 3804 and the operator of the automated product purchasing system 3802,

the communications medium could utilize a direct line to the automated product

purchasing system 3802 via, for example, microwave, satellite or cable connect).

As per claim 4, Bernard et al does not specifically disclose further including at the

merchant or retailer location means for accessing the credit card processing company in

response to the transaction so that the credit card processing company automatically

charges a credit card of the consumer with both a sales price of the purchased goods

and the use tax based upon the location where the consumer requests that the

purchased goods be shipped, however, Ginter in col. 183, lines 56-62, discloses "For

example, the external process could generate automated clearinghouse (ACH) records

in a file for submittal to a bank. This mechanism would provide the ability to

automatically credit or debit a bank account in any financial institution. The same

mechanism could be used to communicate with the existing credit card (e.g. VISA)

network by submitting VDE based charges against the charge account"

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to disclose further including at the merchant or retailer location

means for accessing the credit card processing company in response to the transaction

so that the credit card processing company automatically charges a credit card of the

consumer with both a sales price of the purchased goods and the use tax based upon

the location where the consumer requests that the purchased goods be shipped, with

the motivation of providing means to which charges for a purchase transaction can be

applied.

As per claim 5, Bernard et al does not disclose further including means for allowing the

credit card processing company to forward the use tax charged to the consumer to the

state agency, wherein the use tax, where appropriate, is automatically charged to the

consumer, and where the use tax includes a sales tax, however, Ginter discloses in col.

241, lines 38-51 that "A VDE electronic appliance 600 may, with great security, record

financial transactions, identify the nature of the transaction, and identify the required

sales or related government transaction taxes, debit the taxes from the users available

credit, and securely communicate this information to one or more government agencies

directly at some interval (for example monthly), and/or securely transfer this information

to, for example, a financial clearinghouse, which would then transfer one or more

secure, encrypted (or unsecure, calculated by clearinghouse, or otherwise computed)

information audit packets (e.g., VDE content containers and employing secure VDE

communication techniques) to the one or more appropriate, participating government

agencies);

It therefore would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to disclose further including means for allowing the credit card

processing company to forward the use tax charged to the consumer to the state

agency, wherein the use tax, where appropriate, is automatically charged to the

consumer, and where the use tax includes a sales tax.

with the motivation of forwarding information necessary for the agency to process tax

data.

As per claim 7, Bernard et al does not specifically disclose further including a

connection to a digital data network to provide for the connection of the merchant or

retailer location to the location of the consumer, said digital data network for allowing

the consumer to purchase the goods from the merchant or retailer via said digital data

network, however, Ginter discloses in Col 3, lines 30-36, that "VDE allows the owners

and distributors of electronic digital information to reliably bill for, and securely control,

audit, and budget the use of, electronic information. It can reliably detect and monitor

the use of commercial information products. VDE uses a wide variety of different

electronic information delivery means: including, for example, digital networks".

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to disclose a digital data network with the motivation of providing

means for communicating purchase data.

As per claim 8, Bernard et al discloses:

wherein said first communication link includes the use of at least one of a telephone

line, a digital data network, and a satellite wireless communication link, (col 53, line 65-

col 54, line 2, Depending on the arrangement between retail store 3804 and the

operator of the automated product purchasing system 3802, the communications

medium could utilize a direct line to the automated product purchasing system 3802 via,

for example, microwave, satellite or cable connect).

As per claim 9, this claim recites similar features as discussed above with respect to

claim 1, and is therefore rejected for the same reasons as discussed above with respect

to claim 1 as being rejected over Bernard et al, and further in view of Ginter.

In addition, Bernard et al discloses:

said digital data network adapted to enable the consumer to purchase

goods over said digital data network from a merchant or retailer, (col. 27, line 65-col. 28,

line 5, Also stored at VRU 104 are the music samples. Music samples are portions of

titles offered for sale by automated product purchasing system. Music samples are

typically brief highlights of the tracks on the titles offered by the automated product

purchasing system. In one embodiment, each music sample is a file of digital data

representing a music sample. In this embodiment, there is one file for each sample from

each title, and therefore a digital data network is suggested since digital data is the type

of information being accessed in this case).

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to disclose a digital data network with the motivation of providing

means for communicating purchase data.

As per claim 10, Bernard et al discloses:

wherein said computer register

computes the use tax 'data, (col. 31, lines 2-29, Interactive transaction database 112

also maintains tax calculation information. The tax calculation information allows the

appropriate sales tax to be computed for each sale of a title. An on-line sales tax server

calculates sales tax for any location in the United States. Sales tax rates vary across the

United States, as do the way sales tax is calculated and the types of items that are

taxed. Sales tax typically is based on the ship-from and ship-to locations. The ship-from

location is the place from which an order is shipped, for example, the location of a

fulfillment vendor 436. The ship-to location is the location to which the order is shipped,

such as the customer's shipping address. Sales tax typically uses the ship-to location

for determining the tax rate. In some instances, the ship-from location is also used.

Information pertaining to both the ship-from and ship-to location, as well as the tax

rates, are included in the tax calculation information. Additionally, it is important to note

that some jurisdictions charge sales tax on shipping and handling charges, while others

do not. Therefore, this information is also included in tax calculation information.);, Tax

calculation information also includes a tax register record. The tax register record

contains all information needed to report sales tax charges for payments to the various

states. A tax register record is returned from each call to the tax function. Because sales

tax is only paid to the states after a product is shipped, tax calculation information may

have to refer to completed order information provided by fulfillment vendor 436);

As per claim 13,

Bernard et al does not specifically disclose further comprising means for charging a

credit card of the consumer for purchasing the goods and the use tax due thereon.

, however, Ginter in col. 183, lines 56-62, discloses "For example, the external process

could generate automated clearinghouse (ACH) records in a file for submittal to a bank.

This mechanism would provide the ability to automatically credit or debit a bank account

in any financial institution. The same mechanism could be used to communicate with

the existing credit card (e.g. VISA) network by submitting VDE based charges against

the charge account"

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to disclose further comprising means for charging a credit card of

the consumer for purchasing the goods and the use tax due thereon with the motivation

of providing means to which charges for a purchase transaction can be applied.

As per claim 14, Bernard et al discloses:

, wherein

said at least one tax register comprises a PC-based point-of-sale system

including a keyboard, a credit card reader, a bar code reader, and a receipt

printer.

As per claim 16, Bernard et al does not specifically disclose, further comprising at the merchant or retailer means for causing each of: (a) summaries Of transactions to be provided; (b) a summary list of the transactions to be provided; and (c) a checking account of the merchant or retailer to be charged so that money is taken from the checking account of the merchant or retailer based on said transaction data and said use tax data forwarded to said computer and said memory, however, Ginter discloses in Col. 325, lines 15-27, "At a periodic interval, usage information (in summary form and/or detailed) could be automatically sent to a remote information utility that collects information on appliance usage (the utility might service a certain brand, a certain type of appliance, and/or a collection of brands and/or types). The usage information would be sent in VDE form (e.g. as a VDE object 300). The information utility might then distribute information to financial clearinghouse(s) if it did not itself perform the billing function, or the information "belonging" to each appliance manufacturer and/or lessor (retailer) might be sent to them or to their agents. In this way a new industry would be enabled of leased usage of appliances where the leases might be analogous to car leasing."

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose the above limitation with the motivation of providing a summarized charge.

As per claim 17, this claim discloses limitations similar to those of claim 1, and is therefore rejected for the same reasons as discussed above with respect to claim 1 as being rejected over Bernard et al, and further in view of Ginter.

 In addition, .Bernard et al does not specifically disclose, further comprising at the merchant or retailer means for causing each of: (a) summaries Of transactions to be provided; (b) a summary list of the transactions to be provided; and (c) a checking account of the merchant or retailer to be charged so that money is taken from the checking account of the merchant or retailer based on said transaction data and said use tax data forwarded to said computer and said memory, however, Ginter discloses in Col. 325, lines 15-27, "At a periodic interval, usage information (in summary form and/or detailed) could be automatically sent to a remote information utility that collects information on appliance usage (the utility might service a certain brand, a certain type of appliance, and/or a collection of brands and/or types). The usage information would be sent in VDE form (e.g. as a VDE object 300). The information utility might then distribute information to financial clearinghouse(s) if it did not itself perform the billing function, or the information "belonging" to each appliance manufacturer and/or lessor (retailer) might be sent to them or to their agents. In this way a new industry would be enabled of leased usage of appliances where the leases might be analogous to car leasing."

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to disclose the above limitation with the motivation of providing a

summarized charge.

As per claims 18, 25, Bernard et al does disclose processing by a tax register as shown

above in the rejection of claim 1, however, does not specifically disclose wherein said

tax register is adapted to process data for the consumer sales transaction where the

consumer purchases the goods with one of a credit card, a debit card, and any form of

electronic payment., however, Ginter in col. 183, lines 56-62, discloses "For example,

the external process could generate automated clearinghouse (ACH) records in a file for

submittal to a bank. This mechanism would provide the ability to automatically credit or

debit a bank account in any financial institution. The same mechanism could be used to

communicate with the existing credit card (e.g. VISA) network by submitting VDE based

charges against the charge account"

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to disclose further including at the merchant or retailer location

means for accessing the credit card processing company in response to the transaction

so that the credit card processing company automatically charges a credit card of the

consumer with both a sales price of the purchased goods and the use tax based upon

the location where the consumer requests that the purchased goods be shipped, with

the motivation of providing means to which charges for a purchase transaction can be

applied.

As per claim 19, 26, Bernard et al discloses:

wherein said communication link

is one of a digital packet switched network and a satellite network, , (col 53, line 65-col

54, line 2, Depending on the arrangement between retail store 3804 and the operator of

the automated product purchasing system 3802, the communications medium could

utilize a direct line to the automated product purchasing system 3802 via, for example,

microwave, satellite or cable connect).

As per claim 20, Bernard et al discloses:

further including a digital data network provided so as to connect the retailer location to

the location of the consumer, said digital data network for allowing the consumer to

purchase the goods from the retailer via said digital data network, (col. 27, line 65-col.

28, line 5, Also stored at VRU 104 are the music samples. Music samples are portions

of titles offered for sale by automated product purchasing system. Music samples are

typically brief highlights of the tracks on the titles offered by the automated product

purchasing system. In one embodiment, each music sample is a file of digital data

representing a music sample. In this embodiment, there is one file for each sample from

each title, and therefore a digital data network is suggested since digital data is the type

of information being accessed in this case).

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to disclose a digital data network with the motivation of providing

means for communicating purchase data.

As per claims 22-24, Bernard et al does not specifically disclose wherein said computer

system further includes a verifying computer connected to said computer and said

memory, the verifying computer adapted to receive a transaction number from the

consumer and send confirmation to the consumer that the transaction has been

properly reported, however, Ginter, in col. 49, lines 53-67, discloses that "If caller 182

decides to accept all of the items on hold as illustrated by input step 3716, VRU 104

returns all of these held items to the caller's virtual shopping cart. In one embodiment,

this is accomplished by maintaining existing order information for caller 182. In an

alternative embodiment, this may be accomplished by having interactive transaction

database 112 open a new order, and placing these existing items into that new order.

The process of returning the items to the caller's shopping cart is illustrated by a step

3720. To confirm the action, VRU 104 can play a script thanking the caller and informing

him or her that the items have been placed into his or her virtual shopping cart. At this

time, VRU 104 invokes the shopping mode where caller 182 can browse through

additional selections or simply purchase the selections that were on hold", where the

transaction number is suggested by the existing order information of Ginter.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's

invention to disclose the above limitation with the motivation of verifying a transaction.

As per claim 28, this claim recites similar features to those of claim 1, and is therefore

rejected for the same reasons as disclosed above with respect to claim 1 as being

obvious over Bernard et al and further in view of Ginter.

As per claim 29, Bernard et al discloses:

wherein said tax register is connected by the communication link with a credit card

company, said tax register being programmed to transmit an instruction to the credit

card company via the communication link, the instruction authorizing the credit card

company to charge the consumer's credit card for the purchase, (col. 23, lines 46-53,

FIG. 6 is a block diagram illustrating an expanded version of the architecture illustrated in FIG. 4. Additional components illustrated in FIG. 6 are an authorization server 440, a reporting data base 438, and a fulfillment vendor 436. Authorization server 440 performs authorization and/or validation of purchase information. For example, authorization server 440 can perform credit card authorization to verify that the purchaser's credit is valid.).

As per claim 30, this claim recites similar features to those of claim 1, and is therefore rejected for the same reasons as disclosed above with respect to claim 1 as being obvious over Bernard et al and further in view of Ginter.

As per claim 31, Bernard et al discloses:

wherein said transaction data

includes an amount of money received by the retailer from the consumer for said transaction, (col. 45, lines 29-37, In a step 3212, interactive transaction database 112 determines price and delivery information for the items in the caller's shopping cart. In one embodiment, interactive transaction database 112 calculates shipping and handling costs and also calculates a tax for the items purchased and returns this information to VRU 104. VRU 104 announces the total purchase price, the shipping price, the amount of tax on the order, and the grand total to caller 182. Finally, in a step 3216, the order is processed and the call is completed.).

As per claim 32, this claim recites similar features to those of claim 1, and is therefore

rejected for the same reasons as disclosed above with respect to claim 1 as being

obvious over Bernard et al and further in view of Ginter.

As per claim 33, this claim recites similar features to those of claim 1, and is therefore

rejected for the same reasons as disclosed above with respect to claim 1 as being

obvious over Bernard et al and further in view of Ginter.

5.   Claims 6, 12, 21, 27, are rejected under 35 U.S.C. 103(a) as being unpatentable

over Bernard et al (US 5918213), and further in view of Ginter et al (US 6640304), and

further in view of Golden et al (US 5,774,872).

As per claim 6, neither Bernard et al nor Ginter disclose further including means for

issuing a tax stamp receipt to the consumer as evidence of a tax paid for attachment to

a parcel. However, Golden, in the Abstract, lines 17-19, tax receipts are specifically

shown.

        It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to disclose further including means for issuing a tax stamp receipt

to the consumer with the motivation of providing a visual representation of use taxes.

As per claim 12, Bernard et al does not specifically disclose wherein the government authorized entity is a State Treasury or a taxing authority.   However, Golden et al discloses this limitation in col. 2, lines 29-30.

It would have been obvious to one of ordinary skill in the art for the government authorized entity to be the State Treasury because the State Treasury is one of the most popular and well known entities which collects taxes from both people and businesses. The state treasury is an essential part of the economic makeup of the country and in order to continue functionality is required to collect taxes.

As per claims 21, 27, Bernard et al discloses a tax register that includes a credit card reader, and a bar code reader, in Col.. 61, lines 29-38, "In the embodiments described above, payment information is provided to user interface 4104 before the purchase is completed. In alternative embodiments, payments can be made to an order processing representative in a check-out line when the customer receives the items ordered. Additionally, in the fully automated embodiment, payment can be made at automated in-store vendor 4308 using a credit/debit/ATM card scanner or by allowing a customer to enter account information and or membership information at the automated in-store vendor".

Bernard et al does not disclose wherein said tax register comprises a PC-based point-of-sale system including a keyboard, and a receipt printer, however, Golden in col. 4, lines 22-46, The point of sale terminal disposed at each remote vendor location can take several forms. For example, it may be a specially provided stand alone terminal which includes a keyboard, a display screen, processor for calculating the appropriate tax on each transaction, some means of digital storage, such as semiconductor or magnetic memory, means such as a phone jack for linking the terminal to the electronic network and, preferably, a printer for printing an authorized sales receipt to the customer.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose wherein said tax register comprises a PC-based point-of-sale system including a keyboard, and a receipt printer with the motivation of providing means for input and output of tax information.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-14, and 16-33 have been

considered but are moot in view of the new ground(s) of rejection.

7.   Examiner notes that the present invention is a CIP of 08438890, filed

05/10/1995, now U.S. Patent #5799283. However, not all of the claimed limitations are

supported by this patent, specifically " computing use tax data for the

transaction to be indicated to an appropriate government agency based upon a location

where purchased goods are to be shipped". Therefore, the earliest priority date the

examiner relies on is that of application 08726928, (to which this application is a CIP of),

filed 10/07/1996 ,now U.S. Patent #5875433.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Akiba K Robinson-Boyce whose telephone number is

571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

•Patent Application Information Retrieval (PAIR) system, Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

A. R. B.
August 14, 2011

/Akiba K Robinson-Boyce/

Primary Examiner, Art Unit 3628